



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Li-Ching LO et al. Confirmation No: 8780
Appl. No. : 10/749,565
Filed : January 2, 2004
Title : A HERBAL EXTRACT HAVING ANTI-VIRAL ACTIVITY AND
PREPARATION OF SAME

TC/A.U. : 1654
Examiner : P. A. Leith

Docket No.: : LOLI3003/REF
Customer No: : 23364

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Official Action of May 4, 2005, in connection with the above identified application. The period for response to this Official Action has been extended to expire on July 4, 2005, by the filing herewith of a Petition for a One Month Extension of Time and payment of the required fee.

The Official Action is an election requirement in which it is urged that there are three separate and distinct inventions claimed in this application. Applicants elect the Group I invention which includes claims 1-8, without traverse. Applicants reserve the right to file one or more divisional applications on the non-elected inventions at a later time.

In addition, Applicants are further required to elect a single disclosed species for search purposes and this election is made with traversed. As best understood, Applicants elect embodiment 1 which includes the plant species 1, Fructus Ligustri Lucidi and the low polarity solvent, ethanol which is readable on claim 1. No reasons are provided in the Official for the election requirement as to how the species are

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patentably distinct. Therefore it is not possible to argue against the requirement. Further clarification is requested if this requirement is maintain. It is noted that currently claims 1-18 are generic.

In view of the election of the Group I invention without traverse and election of single disclosed species, with traverse, an early and favorable action on the merits is now believed to be in order and is most respectfully requested.

Respectfully submitted,

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July 5, 2005